

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 1 ARTICLE 3
AMEND SECTIONS 615 THROUGH 619.1, ADOPT SECTION 619.2;
DIVISION 2, CHAPTER 6, ARTICLE 5.
AMEND TITLE

FLEET OWNER INSPECTION AND MAINTENANCE STATIONS (CHP-R-06-11)

The California Highway Patrol (CHP) proposes to amend regulations contained in Title 13, California Code of Regulations (13 CCR) governing the issuance and use of Fleet Owner Inspection and Maintenance Station (IMS) licenses, and to adopt a new regulatory section to provide a process for requesting exemption from regulation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

As a result of the CHP's regulatory review process, amendments are proposed which are intended to further clarify and make more specific the existing requirements contained in the California Vehicle Code (VC) and 13 CCR governing IMS license issuance and use. These regulations are found in 13 CCR Division 2, Chapter 1, Article 3, Fleet Owner Inspection and Maintenance Stations, Sections 615 through 619.1.

The proposed amendments clarify the criteria the CHP uses for accepting and/or rejecting an IMS license application or renewal. Further, proposed amendments specify records maintenance requirements used as control measures for the activities of the licensees. Information technology has advanced significantly in the decades since the section was adopted, and the CHP proposes to clarify that certain publications, which are required to be maintained, may be accessed via the internet.

The CHP proposes to clarify that the licensee is acting as an authorized agent of the CHP for the purpose of verifying proof of correction on enforcement documents. In addition, the procurement price of the IMS vehicle compliance stickers is being increased from 25 cents to 75 cents to reflect the current cost of sticker production/manufacturing. Added Section 619.2 is proposed to identify a process for requesting exemption from regulation.

The CHP also proposes to make other clarifying and nonsubstantive changes to the language of these sections.

PUBLIC COMMENTS

Any interested person may submit written comments on the proposed action via facsimile at (916) 446-4579 or by writing to:

California Highway Patrol
Commercial Vehicle Section – 062
ATTN: Don Callaway
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received no later than 5:00 p.m., February 11, 2008.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the California Highway Patrol, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento, CA, 95814. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through the CHP website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Gary Ritz, California Highway Patrol, Commercial Vehicle Section, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Don Callaway, Commercial Vehicle Section, at (916) 445-1865.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency or school district; nor costs or savings to any state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. However, should an IMS licensee elect to participate in the voluntary use of IMS stickers, the cost for those stickers is proposed to be increased from 25 cents to 75 cents to cover the actual cost to the California Highway Patrol. The California Highway Patrol sells approximately 900 stickers annually.

EFFECT ON SMALL BUSINESS

The CHP has not identified any adverse impact on small businesses. Some of the amendments contained in the proposed regulatory action will have a negligible increase in fees and record keeping costs.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 2525.2 VC.

REFERENCE

This action implements, interprets, or makes specific Sections 2500 – 2505 and 2525 – 2525.12 VC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
S. J. VAUGHN, Chief
Enforcement Services Division